

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In the Matter of the Arbitration Between)

BRIAN M. BITTNER,)

Petitioner,)

v.)

RBC CAPITAL MARKETS CORPORATION,)

Respondent.)

Civil Action No. 07 Civ. 07154 (PAC)

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the Petition filed by petitioner Brian M. Bittner to vacate the award of the arbitrators dated May 8, 2007 and May 17 2007, the accompanying Memorandum of Law and the Affirmation of Ralph DeSena sworn to on September 10, 2007, the undersigned will move this Court before the Honorable Judge Paul A. Crotty, District Judge, at the United States Courthouse, 500 Pearl Street, New York, New York, on a date and time convenient for the Court, for an order dismissing the Petition herein with prejudice pursuant to Rule 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure and further relief as the Court may deem just and proper.

Dated: September 10, 2007

Respectfully submitted,

RBC CAPITAL MARKETS CORPORATION

By Ralph DeSena

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